

AHMAD KESHAVARZ

Attorney at Law

16 COURT STREET, #2600
BROOKLYN, NY 11241

WWW.NEWYORKCONSUMERATTORNEY.COM
E-mail: ahmad@NewYorkConsumerAttorney.com

Telephone: (718) 522-7900
Fax: (877) 496-7809

February 11, 2022

VIA ECF

The Honorable Denise Cote
United States District Judge
Southern District of New York
Daniel Patrick Moynihan US Courthouse
500 Pearl Street, Room 1910
New York, NY 10007

Re: Notice of the Death of Alphonso Franklin and Request to Extend Deadlines to
Move for Substitution and to Move for Reconsideration of the Order of Dismissal
[DE 41]

Franklin v. Cona Elder Law, PLLC, et al., No. 1:21-cv-04810-DLC

Judge Cote:

The undersigned represented Plaintiff Alphonso Franklin in the above-captioned case against Defendants Cona Elder Law, PLLC ("Cona"), a law firm that collects debts for nursing homes, and Wartburg Home ("Wartburg"), a nursing home, for their violations of the Fair Debt Collection Practices Act (FDCPA) and related state laws.

Unbeknownst to our office, Alphonso Franklin passed away a few days before Your Honor's January 28, 2022 Order dismissing the FDCPA claims with prejudice and the state law claims without prejudice [DE 41]. Late today, February 11, 2022, Delvin Franklin, Mr. Franklin's only son, retained our office as counsel. Delvin Franklin is, upon information and belief, the sole distributee of Mr. Franklin's estate, and he will soon be moving in Surrogates Court in the Bronx to be appointed administrator of the estate. However, based on another matter our office handled requiring the probate of an estate and based on our conversation with an attorney who regularly handles probate proceedings in New York City, it could be 6 months or more until Delvin Franklin's application is processed.

Thus, we request that the deadline for substitution be extended from 90 days after the suggestion of death (today) to 180 days after the suggestion of death, until August 10, 2022. We also request that the deadline to move for reconsideration of the Dismissal [DE 41], which is today, February 11, 2022, be tolled until 14 days after there has been a ruling on the anticipated Motion for Substitution.

We apologize for the late nature of this application. The circumstances of Mr. Franklin's passing were tragic, and Delvin Franklin has had a difficult time processing what has happened. Defendants have consented to this application.

Respectfully,

/s/

*Dismissed without prejudice to
renewal by 2/25/22 upon
a showing that Delvin
Franklin has filed the motion
to be appointed administrator.
Denise Cote
2/15/22*